

Order 256-14/15

Passage: 8-0 (Marshall absent) on 6/15/2015

Effective 7/15/2015

MICHAEL F. BRENNAN (MAYOR)  
KEVIN J. DONOGHUE (1)  
DAVID A. MARSHALL (2)  
EDWARD J. SUSLOVIC (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)  
JILL C. DUSON (A/L)  
JON HINCK (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE  
CHAPTER 7 (CEMETERIES)  
ARTICLES I. TO VII.  
RE: UPDATES TO CEMETERY ORDINANCE**

1. *That Articles I, II, III, IV, V and VII are hereby amended to read as follows:*

**ARTICLE I. IN GENERAL**

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**Sec. 7-2. Hours.**

~~Cemetery offices will be open from 7:00 a.m. to 3:30 p.m. Monday through Friday, except holidays. The cemeteries themselves will be open from 7:00 a.m. to 6:30 p.m. each day, except from November first to April first when they will be open from 7:00 a.m. to 4:30 p.m.~~ The Cemetery Office will be open from 8:00 AM to 4:30 PM during Standard Time and will be open from 7:00 AM to 3:30 PM during Daylight Savings Time Monday-Friday except Holidays.

The cemetery grounds will be open from 7:00 AM to 6:30 PM during Standard Time and will be open from 7:00 AM to 4:30 PM during Daylight Savings Time 7 days a week.

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**Sec. 7-5. Use of Wilde Memorial Chapel.**

Wilde Memorial Chapel located at Evergreen Cemetery is open to the public for a reasonable fee, as set from time to time by the Superintendent of Cemeteries. Any fee charged pursuant to this section shall be used to cover maintenance costs, the cost of utilities, and to provide necessary staff to facilitate the use of the Chapel. ~~Wilde Memorial Chapel located at Evergreen Cemetery is open to the public without charge.~~ Applications for use of the chapel must be made at least twelve (12) hours prior

to time desired. ~~The remains of any persons dying from any contagious disease cannot be brought into the chapel for funeral services.~~

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## ARTICLE II. LOT OWNERSHIP

### Sec. 7-21. Prospective purchasers to visit cemeteries.

Persons desiring to purchase lots should visit the cemeteries where the ~~S~~Superintendent of ~~C~~cemeteries or authorized designee will aid them in making a selection. Special rules relating to such lots will be explained and a copy of this chapter will be made available to prospective purchasers.

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### Sec. 7-30. Lost or destroyed deeds.

A lost or destroyed deed will be replaced by ~~a new deed~~ a copy of the deed upon request upon payment of one dollar (\$1.00).

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## ARTICLE III. CARE OF LOTS\*

### Sec. 7-46. ~~Perpetual care classification.~~ RESERVED.

~~There are the following four (4) types of perpetual care which may be obtained from the city for the permanent maintenance of lots in cemeteries: (Classes 2nd, 3rd and 4th apply only to Evergreen Cemetery)~~

~~(a) 1st class. 1st class perpetual care includes keeping the turf even and in good condition, the grass properly cut, and the trees and shrubs, as duly authorized, trimmed.~~

~~(b) 2nd class. 2nd class perpetual care embraces any or all divisions in first class care, as well as the proper care and cleaning of all granite, stone, marble, or bronze structures on the lot at the time care is assumed, as well as any future erections expressly specified, but does not include replacement of any such structures.~~

~~(c) 3rd class. 3rd class perpetual care assumes the same care as 2nd class care and, in addition, includes replacement of structures as described above when necessary.~~

~~4th class. 4th class perpetual care includes all divisions in 1st class care and the care of any tombs, vaults or mausoleums, such as the pointing of joints, keeping walls in place, and the structure as a whole in a suitable and sanitary condition.~~

**Sec. 7-47. Perpetual care required; may be purchased.**

All lots sold after August 19, 1970, must include perpetual care consisting of keeping the turf even and in good condition, the grass properly cut, and the trees and shrubs, as duly authorized, trimmed.~~1st class perpetual care, except in cases of Sections OO, MM and LL (a) in Forest City Cemetery and Section SG in Evergreen where such requirement is optional, and~~ perpetual care may be purchased to cover any lots previously sold without care.

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**Sec. 7-49. Additional care may be purchased.**

(a) *By agreement.* Lot owners desiring additional care of their lots may arrange for such care with the superintendent of cemeteries who shall give an estimate of the cost of the work desired. This care may be provided for ~~by annual payments made by the lot owner or~~ by the establishment of a trust fund under such agreement as may be determined between the superintendent and the lot owner. The limitations of this type of care may vary according to the capabilities of the individual cemeteries.

*By bequest.* In addition to the foregoing, the superintendent of cemeteries is authorized to accept testamentary bequests for additional lot care including, but not limited to, trust funds, upon his determination that the purpose of the bequest can be financially and lawfully implemented. In the event that it cannot be so implemented, the superintendent shall notify the estate's representative to that effect.

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**Sec. 7-52. Who may provide care for lots.**

No person except a lot owner, ~~his or her authorized representative,~~ or an employee of the cemeteries, acting under

the direction of the superintendent of cemeteries, is permitted to enter the cemeteries for the purpose of caring for lots without special permission of the ~~s~~Superintendent of ~~C~~cemeteries secured in advance. The Superintendent of Cemeteries reserves the right to give authorization to any workmen, other than employees of the cemetery, before they may do work in any cemetery. Burial Right holders may have certain work done in accordance with these Rules and Regulations at their own expense upon application to the Superintendent of Cemeteries; prices to be agreed upon and paid before said work is done.

All outside workers must submit a Certificate of Insurance to the satisfaction of the City for review before commencing any work in the cemetery.

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#### ARTICLE IV. INTERMENTS\*

##### Sec. 7-66. Funerals in charge of cemeteries.

All funerals entering the cemeteries ~~shall be under the direction of a funeral director who~~ shall abide by the rules and regulations of the respective cemetery, and ~~funeral directors~~ upon arrival at a cemetery must present to the superintendent of cemeteries the necessary burial permit from the city clerk.

##### Sec. 7-67. Previous notices required for interments, etc.

The right is reserved by the cemeteries to insist upon at least ~~twenty-four~~ thirty-six (2436) hours' notice of any interment and at least one (1) week's notice of any disinterment or removal. The cemeteries reserve the right to postpone interment/disinterment time due to acts of nature, God, civil and national emergencies.

##### Sec. 7-68. Times for interments.

The cemeteries will be open for interments from 8:00 a.m. to ~~4:30~~2:00 p.m., Monday through Friday. Requests for openings ~~prior to 10:00 a.m.~~ on Mondays must reach the cemetery offices before noon on Friday. Any services extending beyond or scheduled after these hours, or Saturday interments, will require an additional charge above the regular interment fee. No interments will be made on Sundays or legal holidays, except on proclamation of an emergency.

**Sec. 7-69. Interments to be authorized by lot owners.**

All orders for interments in lots must be signed by the owner of the lot, or his or her authorized representative. When this is impossible because of absence from the city, ~~telegraphic~~ permission will be accepted by fax or scanned pdf ~~in lieu of signed authorization.~~

**Sec. 7-70. Number of interments in single grave.**

No interment of two (2) or more bodies shall be made in one (1) grave, except in the case of mother and child, or two (2) infants, buried in one (1) casket. Further variation may be made in the case of cremations within family lots subject to the placing of markers and upon prior approval of the superintendent of cemeteries. One body and one cremains or two cremains will be allowed in a single full-size grave.

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**Sec. 7-73. Graves opened only when.**

Once an interment has been made, graves will be opened only by officials and employees of the cemeteries in the sole and exclusive judgment of the superintendent of cemeteries that such opening is proper, necessary, and duly authorized or when the cemetery is directed to make a disinterment by an ~~elder~~ order of a court of competent jurisdiction and a certified copy of such order has been filed with the superintendent of cemeteries. In all cases the responsibility of the cemetery shall be limited to opening of the grave only and the actual disinterment must be made by the person authorized to do so.

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**ARTICLE V. PLANTS, SHRUBS AND FLOWERS\***

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**Sec. 7-89. Plantings on single lots, etc.**

No shrubs or evergreens will be permitted on a single grave lot. No plantings of any shrubs or trees will be permitted at individual headstones or flush markers. Plantings on two (2) grave or larger plots must first be approved by the superintendent of cemeteries. Planting of annuals is allowed in certain sections of the cemetery as approved by the

Superintendent of Cemeteries. Please contact Office for details.

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**ARTICLE VII. RULES OF CONDUCT\***

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**Sec. 7-136. Unauthorized items removed from lots.**

~~The placing of boxes, shells, toys, ornaments, chairs, settees or similar unauthorized items upon lots will not be permitted, and the superintendent of cemeteries reserves the right to remove any such unauthorized items.~~ The use of shells, stones, lawn ornaments, statues, glass containers, solar lights, shepherds crooks, tin cans and other similar items is strictly prohibited on the lots. No lawn ornament of any kind as defined by the Superintendent of Cemeteries or his or her authorized designee shall be allowed. The Superintendent reserves the right to remove without notice any planting or object that is in violation of these regulations, or that in the opinion of the Superintendent of Cemeteries is a hazard to cemetery employees or injurious to the general appearance of the cemetery.

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